

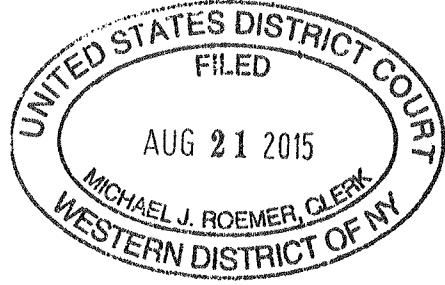
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ARAFAT NAGI,

Defendant.



15-CR-148-A

ORDER

The parties having appeared on August 17, 2015;

And the Court having considered the request of defense counsel for an evaluation of the defendant's competency to stand trial under 18 U.S.C. § 4241(b);

And the Government having no opposition to the request, the Court grants defense counsel's request for an evaluation under 18 U.S.C. § 4241; it is hereby

ORDERED that the defendant undergo a psychiatric and/or psychological examination and evaluation pursuant to 18 U.S.C. § 4247(b) to determine whether the defendant is suffering from a mental disease or defect which would render him mentally incompetent such that he would be unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and it is further

ORDERED that, pursuant to 18 U.S.C. § 4247(c), the examination shall include a psychiatric and/or psychological report to be prepared and it shall be filed with this Court

with copies to be provided to counsel for the defendant and the government and such report shall include:

1. the defendant's history and present symptoms, if any;
2. a description of the psychiatric, psychological and/or medical tests that were employed and their results;
3. the name of the examiner(s) and his/her (their) qualifications and their findings as to the competency to proceed;
4. the examiner's opinions as to the diagnosis and prognosis; and
5. a determination as to whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

And it is further **ORDERED** that, pursuant to 18 U.S.C. § 4247(b), defendant is committed to the custody of the Attorney General for a reasonable period, not to exceed 30 days, in order to accomplish the examination. The 30-day period shall not begin to run until defendant arrives at the facility conducting the examination; and it is further

ORDERED that the director of the facility to which defendant is committed may apply for one reasonable extension not to exceed 15 days upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant; and it is further

ORDERED that upon the earlier the completion of the examination or the expiration of the designated time period for the examination (30 or 45 days), defendant shall be transported back to the Western District of New York forthwith; and it is further

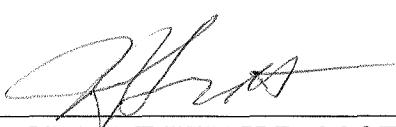
ORDERED that the United States Marshal shall take the defendant into custody pursuant to the terms of this Order and shall promptly deliver him to a suitable facility to be determined by the Attorney General and the United States Marshal shall do this as quickly as possible so as to minimize the period during which the defendant must travel to, be confined in, and be returned from the facility where such examination will be conducted; and it is further

ORDERED that the other proceedings in this case are stayed pending the resolution of defendant's competency; and it is further

ORDERED that the United States Probation Office for the Western District of New York is authorized to provide any mental health records concerning the defendant that are in its possession to the individual(s) conducting the psychological or psychiatric examination of the defendant.

SO ORDERED.

DATED: Buffalo, New York, August 31, 2015.


HONORABLE HUGH B. SCOTT
United States Magistrate Judge